

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

DR. JOSEPH CICCIO, *et al.*,

Plaintiffs,

v.

SMILEDIRECTCLUB, LLC, *et al.*,

Defendants.

Civil No. 3:19-cv-00845

Judge Trauger

**PROVIDER PLAINTIFFS' MOTION TO EXTEND DISCOVERY CUTOFF**

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, Provider Plaintiffs respectfully request that the Court extend the July 14, 2021 discovery deadline for Provider Plaintiffs under the Initial Case Management Order for one year and modify the dates set forth in the Initial Case Management Order accordingly. *See* Initial Case Management Order (Doc. 116) at 4-5, § F. Provider Plaintiffs make this request as it has become apparent that discovery in this case will not be completed by the July 14, 2021 deadline. Granting an extension now will allow the parties to address discovery issues in an orderly fashion without impacting the scheduled trial date. This request is made in good faith and not for the purposes of delay.

Provider Plaintiffs submit an accompanying Memorandum in Support of this Motion.

Counsel for Provider Plaintiffs conferred with counsel for Defendants before filing this Motion. Defendants opposed a one-year extension but expressed willingness to consider a shorter extension. While Provider Plaintiffs believe an extension less than one year is not sufficient given Defendants' delay in this case, Provider Plaintiffs have expressed their willingness to continue discussions with Defendants. Provider Plaintiffs believe it necessary to file their motion now, pending those discussions, because the current discovery deadline expires in less than four weeks.

DATED: June 18, 2021

Respectfully submitted,

s/Edward M. Yarbrough

Edward M. Yarbrough, TNBPR#004097

W. Justin Adams, TNBPR#022433

BONE MCALLESTER NORTON PLLC

511 Union Street, Suite 1000

Nashville, Tennessee 37219

TEL: (615) 238-6390

FAX: (615) 687-6990

eyarbrough@bonelaw.com

wjadams@bonelaw.com

Robert K. Spotswood, Alabama Bar #

ASB-7015-P76R

Michael T. Sansbury, Alabama Bar #

ASB-6473-A53S

Joshua K. Payne, Alabama Bar # ASB-

1041-A55P

Morgan B. Franz, Alabama Bar # ASB-

0488-S13E

SPOTSWOOD SANSOM & SANSBURY

LLC

Financial Center

505 20th Street North, Suite 700

Birmingham, Alabama 35203

TEL: (205) 986-3620

FAX: (205) 986-3639

rks@spotswoodllc.com

msansbury@spotswoodllc.com

jpayne@spotswoodllc.com

mfranz@spotswoodllc.com

Richard Stone, U.S. Dist. Ct. S.D.N.Y. Bar

# RS5324

BLACKNER, STONE & ASSOCS.

123 Australian Avenue

Palm Beach, Florida 33480

TEL: 561-804-9569

rstoneesq@rstoneesq.com

*Attorneys for the Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF Filing System on June 18, 2021, as follows:

John R. Jacobson  
Alex Fardon  
Elizabeth O. Gonser  
Riley Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
jjacobson@rwjplc.com  
afardon@rwjplc.com  
egonser@rwjplc.com

David Rammelt  
Nicholas J. Secco  
Benesch, Friedlander, Coplan and Aronoff, LLP  
71 South Wacker Drive, Suite 1600  
Chicago, IL 60606  
drammelt@beneschlaw.com  
nsecco@beneschlaw.com

Michael D. Meuti  
Andrew G. Fiorella  
Mark K. Norris  
Benesch, Friedlander, Coplan and Aronoff, LLP  
200 Public Square, Suite 2300  
Cleveland, OH 44114  
mmeuti@beneschlaw.com  
afiorella@beneschlaw.com  
mnorris@beneschlaw.com

*Attorneys for the Defendants*

/s/Edward M. Yarbrough